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## THE STATUS OF OUR NEW TERRITORIES. —

CAMBRIDGE, February 7th, 1899.

DEAR MR. EDITOR, — In the last number of the *LAW REVIEW* at page 382, I cited an instance of the congressional use of the term "United States" in 1815, *i. e.*, twenty-five years and upwards after the adoption of the Constitution. I ought also to have cited another instance which occurred immediately after the adoption of the Constitution, *i. e.*, in the first session of the first congress. It will be found in the Act to establish the Judicial Courts of the United States, passed Sept. 24, 1789, c. 20, by which Art. 3 of the Constitution was put into operation. By §§ 2 and 3 of that Act, it is declared that the United States shall be divided into thirteen districts, in each of which there shall be a District Court; and it is provided that each state, except Massachusetts and Virginia, shall constitute one district, bearing the same name as the state; that the state of Massachusetts shall constitute the two districts of Massachusetts and Maine, and that the state of Virginia shall constitute the two districts of Virginia and Kentucky. While, therefore, there were only thirteen districts, there were yet two more districts than there were states; and this phenomenon is accounted for by the fact that there were then only eleven United States, Rhode Island and North Carolina not yet having adopted the Constitution.

It is certain, therefore, that the authors of this Act, who may also be said, without great exaggeration, to have been the authors of the Constitution, did not regard either the states of Rhode Island and North Carolina, or the great North-West Territory as constituting any part of the United States at the time when the Act was passed, and that they understood "United States" to mean the eleven states which had then adopted the Constitution.

Yours very truly,

C. C. LANGDELL